

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 SEPTEMBER 2001

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Terry Wood, Chief Deputy City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Ben Woody, employee in the Planning Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Randal Romie, Chairperson of Greensboro Beautiful, presented the Anne Boyd Environmental Award to the City Council in recognition of its vision and foresight in the preservation and protection of trees in our community through the adoption of our City's Tree Preservation Ordinance. Council expressed appreciation for having been selected to receive this most prestigious award.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of public necessity widening, curb and gutter improvements on Franklin Boulevard from Bessemer Avenue to McConnell Road and noted this matter was continued from the August 21, 2001 meeting.

After brief comments by the City Manager, Mayor Holliday asked if anyone wished to be heard.

Dick Welch, residing at 711 Franklin Boulevard; Richard Poe, residing at 716 Franklin Boulevard; and Craig King, residing at 812 Franklin Boulevard; spoke in opposition to the proposed improvements. They stated they believed that the improvements project would: destroy a large number of trees, take significant portions of yards on the street, have a negative impact on Franklin Boulevard properties, create traffic problems, increase crime, and create safety problems for children. They stated that the improvements were not wanted or needed and payment of the assessments would be difficult area residents. Mr. Welch stated that a large number of residents had signed a petition in opposition to the improvements.

Twanda Mitchell, residing at 307 Franklin Boulevard, stated she was not opposed to the improvements but was concerned that payment of assessments would be difficult for area residents. She added that at area meetings held to discuss these improvements, no discussion was held with regard to the assessments.

Steve Kennedy, Engineering and Inspections Department Director, detailed the City's long term, consistent policy of levying assessments to property owners to cover a portion of the cost for improvements that benefit their properties. He and the Chief Deputy City Attorney also responded to Council inquiries with respect to the process

involved with right-of-way purchase of property and noted these two policies were separate financial transactions and could not be combined. The City Attorney also stated that the Greensboro Charter required assessment of property owners for improvements. In response to Council's inquiry, Jim Westmoreland, Transportation Department Director, responded that staff had focused on this section and had not looked at alternatives for this project.

Council discussed various opinions with respect to these proposed improvements and the concerns expressed by citizens. Councilmember Burroughs-White advised these improvements were the result of area residents asking the city to assist with area needs, would accommodate growth in the area, and were important to the future of Northeast Greensboro. The Manager also stated that information about this project had provided to area residents and input had been received from the neighborhood. Councilmember Phillips requested that staff look at revisiting the current policy of levying assessments to consider putting a cap on assessments if they were higher than a certain percentage of the value of the land being assessed. Councilmember D. Vaughan stated he couldn't support the resolution because of the financial impact on area citizens.

After further discussion, Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember D. Vaughan and adopted unanimously by voice vote of Council.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, and N. Vaughan. Noes: D. Vaughan.

**F-184 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS
WIDENING WITH CURB AND GUTTER (WHERE NONE NOW EXISTS) OF FRANKLIN BOULEVARD
FROM BESSEMER AVE. TO MC CONNELL ROAD**

WHEREAS, due notice has been given that on the 4th day of September, 2001 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made except those filed with this resolution to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

FRANKLIN BOULEVARD FROM BESSEMER AVE. TO MC CONNELL ROAD

B. That the local improvements to be made on the street or streets set out above are as follows:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at Briarmeade Road and Link Road—92.69 acres. He thereupon introduced so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north and south sides of Link Road east of McKnight Mill Road, west of Rankin Mill Road, and north of Briarmeade Road.

C. Thomas Martin, Planning Department Director, presented a map and slides of this property and the surrounding area; he stated the Planning Board had recommended the annexation, and the Zoning Commission had recommended the original zoning be denied.

The following individuals spoke in favor the annexation and original zoning:

Charlie Melvin, 300 North Greene Street, representing Marvin Gentry and his development company, the MDB Land Company, stated that his client had contracts to purchase this assemblage of properties to create this large parcel proposed for annexation and zoning. Mr. Melvin spoke to his client's history of development, stated this proposed development was consistent with the area's land use projections and was not high density development, noted that similar development was already ongoing in the area, and stated the proposed development would compliment the area. He stated that this property was not in Greensboro's watershed but was in the water and sewer service area and in the City's new water and sewer boundary which encouraged development in the Northeast area. Mr. Melvin spoke to meetings with City staff for input and support of the development; he advised that review by City staff of the traffic impact study had shown no significant transportation obstacles.

Stating that the area proposed for development was urban in nature, Tom Hall, 2311 West Cone Boulevard, detailed the plans for the proposed housing development which would be consistent with the area and meet increasing housing needs. Mr. Hall responded to Council inquiries and provided details with regard to the type of development being planned, the price range of houses, etc. He also noted that established businesses were in place to provide services for the area, spoke to attempts to meet with neighbors about the proposed development, and requested Council to approve the annexation and zoning. He stated other members of the development team were present in the Chamber to answer any questions.

Pauline Irving, residing at 3612 Link Road, adjoining property owner, stated the development plan appeared to be a good responsible plan and consistent with the existing development in the area. She stated her family had not opposed any development in the area and supported this request, noted area businesses had improved services for residents, and encouraged Council to support the plan for development.

Benny Elliott, residing at 1809 Milpar Circle, adjoining property owner, offered his support of the annexation and zoning to allow for housing development.

The following citizens spoke in opposition to the annexation and zoning:

Sandra Kinley, residing at 1903 Rankin Mill Road; Jim Lewis, residing at 3661 Briarmead Road; Marvin Coleman, residing at 3675 Briarmead Road; Marshall Hurley, 101 West Friendly Avenue, attorney representing area residents; Jerry Thompson, residing at 3654 Link Road; Otha Hicks, residing at 2003 Rankin Mill Road, and Josiah Russell, residing at 1804 Rankin Mill Road; spoke in opposition to what they believed to be high density development that was not consistent with the overall character of the neighborhood and existing homes in the area.

The speakers offered individual thoughts about the proposed development; they provided a history of the area, stated they wanted to maintain a rural atmosphere, and advised hundreds of residents had purportedly signed a petition in opposition to the annexation and zoning of this property. The speakers stated the proposed development would have a negative impact on the quality of life of existing home owners and area schools, would create traffic problems for the area roadway system, would create safety issues for residents, and provided no parkland for residents of the new homes. Mr. Coleman spoke to existing zoning uses which burdened the citizens of Northeast Greensboro; i.e., landfill, quarry, prison farm, etc. Mr. Hurley provided slides of the area for illustrative purposes. A large number of citizens were present in the Chamber to oppose the annexation and zoning.

Councilmember Johnson moved to close the public hearing on the annexation and zoning items. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

Mr. Martin presented the following staff recommendation:

Item 7 – Link Road/Rankin Mill Road

The Planning Department recommends that this original zoning request be approved.

Agricultural and RS-30 are not recommended urban zoning classifications, especially for lots that will be served with public water and sewer.

In fact, the district description for RS-30 specifically states that it is intended for single family detached dwellings without access to public water and sewer.

At their July 18, 2001 meeting, the Greensboro Planning Board unanimously recommended annexation of this property.

There is a large city water line in Link Road and a lift station would have to be installed by the developer to the south of this property in order to serve it.

With the provision of water and sewer, RS-12 is the typical single family zoning classification that is recommended for original zoning of residential property.

The Transportation Impact Study indicates the Level of Service is an “A” for full build out of the proposed Briarmeade Subdivision.

It is projected that the development will generate approximately 2,710 trips entering and exiting the site each day.

The peak hour numbers entering and exiting the site are estimated to be 224 trips during AM peak and 284 during the PM peak.

It was estimated that 60% of the trips will travel south via Rankin Mill Road and McKnight Mill Road and that 40% will travel north via these roads.

Council discussed with staff personal opinions about issues involved with the proposed development; i.e., the access to the property proposed for development, the proposed density of the development, the North Carolina Department of Transportation’s plans to improve area roadways, the development’s impact on traffic in the area, the ongoing or proposed development in the Northeast area, the impact Painter Boulevard would have on increased demands for area development, etc.

After lengthy discussion, Councilmember Jones moved to call the question. The motion was seconded by Councilmember Johnson; the motion was adopted on a 7-2 voice vote of Council.

Councilmember Phillips thereupon moved adoption of the ordinance annexing territory to the corporate limits--located at Briarmeade Road and Link Road—92.69 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-188 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT BRIARMEADE ROAD AND LINK ROAD – 92.69 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at point located at the northwest intersection of Link Road and Rankin Mill Road and running thence from said point of Beginning, the following courses and distances along the northern margin of Link Road: South 76 degrees 03 minutes 02 seconds West 92.88 feet to a point, South 74 degrees 46 minutes 17 seconds West

73.54 feet to a point, South 72 degrees 17 minutes 34 seconds West 299.38 feet to a point, South 72 degrees 44 minutes 44 seconds West 259.68 feet to a point, South 74 degrees 58 minutes 32 seconds West 161.91 feet to a point, South 71 degrees 21 minutes 41 seconds West 55.02 feet to a point, South 67 degrees 59 minutes 14 seconds West 52.99 feet to a point, South 64 degrees 27 minutes 19 seconds West 49.91 feet to a point, South 62 degrees 02 minutes 20 seconds West 191.43 feet, South 64 degrees 15 minutes 44 seconds West 247.65 feet, South 67 degrees 32 minutes 31 seconds West 99.23 feet to a point, South 69 degrees 26 minutes 31 seconds West 50.00 feet to a point, South 70 degrees 43 minutes 13 seconds West 50.00 feet to a point, South 71 degrees 59 minutes 55 seconds West 50.00 feet to a point, South 73 degrees 38 minutes 43 seconds West 50.00 feet to a point, South 73 degrees 49 minutes 52 seconds West 55.33 feet to a point, and South 76 degrees 00 minutes 45 seconds West 69.37 feet to a point; thence crossing Link Road, South 13 degrees 59 minutes 15 seconds East 60.00 feet to a new iron pin; thence South 87 degrees 15 minutes 04 seconds East 633.20 feet to a point, South 87 degrees 13 minutes 34 seconds East 145.37 feet to a point at the northwest corner of the property now or formerly of John W. Haynes; thence along the line of Haynes and others South 05 degrees 19 minutes 05 seconds West 934.46 feet to a point at the southwest corner of the property now or formerly of Joseph E. Allen, IV and wife; thence along the line of Allen South 87 degrees 52 minutes 27 seconds East 233.45 feet to a point, another corner with the property now or formerly of Joseph E. Allen, IV and wife; thence along the line of Allen and others the following courses and distances: South 03 degrees 27 minutes 48 seconds West 127.18 feet to a point, South 05 degrees 02 minutes 58 seconds West 108.57 feet to a point, South 04 degrees 51 minutes 52 seconds West 108.62 feet to a point, South 04 degrees 51 minutes 11 seconds West 108.74 feet to a point, South 04 degrees 51 minutes 38 seconds West 156.95 feet to a point at the northwest corner of the property now or formerly of Noah M. Coleman and wife; thence along the western line of the property now or formerly of Coleman South 04 degrees 57 minutes 14 seconds West 232.48 feet to a point; thence South 05 degrees 06 minutes 16 seconds West 49.92 feet to a point; thence South 47 degrees 52 minutes 39 seconds West 150.60 feet to a point at the northwest corner of the property now or formerly of Robert M. & Lynne M. Schoolfield; thence along the line of the property now or formerly Schoolfield South 26 degrees 05 minutes 52 seconds East 199.90 feet to an existing iron pin in the northwest margin of Briarmeade Road; thence along the northwest margin of Briarmeade Road South 44 degrees 29 minutes 32 seconds West 63.64 feet to a point at the southeast corner of the property now or formerly of James U. & Jeanne L. Lewis; thence along the line of Lewis North 26 degrees 02 minutes 38 seconds West 112.79 feet to a point; thence North 44 degrees 21 minutes 56 seconds East 10.55 feet to a point; thence continuing along the line of Lewis North 26 degrees 11 minutes 26 seconds West 104.80 feet to a point at the most northern corner of the property of Lewis; thence continuing along the line of Lewis South 55 degrees 06 minutes 10 seconds West 301.45 feet to a point; and still with the line of Lewis South 27 degrees 04 minutes 57 seconds West 166.05 feet to a point, still with the line of Lewis South 62 degrees 48 minutes 22 seconds East 28.85 feet to a point; thence South 45 degrees 02 minutes 27 seconds West 136.75 feet to a point in the line of the property now or formerly Dewey L. & Brenda B. Hatcher; thence North 68 degrees 56 minutes 28 seconds West 489.87 feet to a point to an existing iron pin at the most northwest corner of the property of Hatcher; thence North 68 degrees 22 minutes 44 seconds West 296.80 feet to an existing iron pin; thence North 05 degrees 04 minutes 05 seconds East 1,214.64 feet to an existing iron pin at the northwest corner of the property now or formerly of Briarmeade, LLC; thence North 16 degrees 49 minutes 00 seconds West 810.28 feet to an existing iron pin in the southern margin of Link Road; thence along the southern margin of Link Road North 75 degrees 01 minute 30 seconds East 427.94 feet to a point; thence crossing Link Road North 15 degrees 48 minutes 30 seconds West 60.14 feet to an existing iron pin at the southwest corner of the property of the Myrtle L. Phillips Heirs; thence North 04 degrees 21 minutes 58 seconds East 314.07 feet to an existing iron pin; thence North 04 degrees 23 minutes 56 seconds East 385.18 feet to an existing iron pin; thence North 04 degrees 49 minutes 10 seconds East 349.27 feet to an existing iron pin; thence North 04 degrees 08 minutes 46 seconds East 174.06 feet to a quartz stone at the southwest corner of the Mary G. Brown property; thence South 87 degrees 27 minutes 21 seconds East 1,399.41 feet to a twin quartz stone; thence South 04 degrees 29 minutes 32 seconds West 130.16 feet to a point; thence South 04 degrees 40 minutes 46 seconds West 268.80 feet to an existing iron pin; thence South 85 degrees 06 minutes 32 seconds East 482.44 feet to an existing iron pin in the western margin of Rankin Mill Road; thence along the western margin of Rankin Mill Road South 05 degrees 10 minutes 09 seconds West 38.70 feet to the point and place of Beginning, and containing a total of 92.69 acres, the same as shown on Survey prepared by CPT Engineering and Surveying, Inc. dated May 21, 2001.

Section 2. The owners have to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2001, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November, 30, 2001.

(Signed) Thomas M. Phillips

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After additional comments by Council regarding development in the area, factors that would impact growth in the area, the need for housing and additional services in Northeast Greensboro to enhance the quality of life for the residents, Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north and south sides of Link Road east of McKnight Mill Road, west of Rankin Mill Road, and north of Briarmeade Road. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-189 AMENDING OFFICIAL ZONING MAP

NORTH AND SOUTH SIDES OF LINK ROAD EAST OF McKNIGHT MILL ROAD, WEST OF RANKIN MILL ROAD, AND NORTH OF BRIARMEADE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at point located at the northwest intersection of Link Road and Rankin Mill Road and running thence from said point of Beginning, the following courses and distances along the northern margin of Link Road: South 76 degrees 03 minutes 02 seconds West 92.88 feet to a point, South 74 degrees 46 minutes 17 seconds West 73.54 feet to a point, South 72 degrees 17 minutes 34 seconds West 299.38 feet to a point, South 72 degrees 44 minutes 44 seconds West 259.68 feet to a point, South 74 degrees 58 minutes 32 seconds West 161.91 feet to a point, South 71 degrees 21 minutes 41 seconds West 55.02 feet to a point, South 67 degrees 59 minutes 14 seconds West 52.99 feet to a point, South 64 degrees 27 minutes 19 seconds West 49.91 feet to a point, South 62 degrees 02 minutes 20 seconds West 191.43 feet, South 64 degrees 15 minutes 44 seconds West 247.65 feet, South 67 degrees 32 minutes 31 seconds West 99.23 feet to a point, South 69 degrees 26 minutes 31 seconds West 50.00 feet to a point, South 70 degrees 43 minutes 13 seconds West 50.00 feet to a point, South 71 degrees 59 minutes 55 seconds West 50.00 feet to a point, South 73 degrees 38 minutes 43 seconds West 50.00 feet to a point, South 73 degrees 49 minutes 52 seconds West 55.33 feet to a point, and South 76 degrees 00 minutes 45 seconds West 69.37 feet to a point; thence crossing Link Road, South 13 degrees 59 minutes 15 seconds East 60.00 feet to a new iron pin; thence South 87 degrees 15 minutes 04 seconds East 633.20 feet to a point, South 87 degrees 13 minutes 34 seconds East 145.37 feet to a point at the northwest corner of the property now or formerly of John W. Haynes; thence along the line of Haynes and others South 05 degrees 19 minutes 05 seconds West 934.46 feet to a point at the southwest corner of the property now or formerly of Joseph E. Allen, IV and wife; thence along the line of Allen South 87 degrees 52 minutes 27 seconds East 233.45 feet to a point, another corner with the property now or formerly of Joseph E. Allen, IV and wife; thence along the line of

Allen and others the following courses and distances: South 03 degrees 27 minutes 48 seconds West 127.18 feet to a point, South 05 degrees 02 minutes 58 seconds West 108.57 feet to a point, South 04 degrees 51 minutes 52 seconds West 108.62 feet to a point, South 04 degrees 51 minutes 11 seconds West 108.74 feet to a point, South 04 degrees 51 minutes 38 seconds West 156.95 feet to a point at the northwest corner of the property now or formerly of Noah M. Coleman and wife; thence along the western line of the property now or formerly of Coleman South 04 degrees 57 minutes 14 seconds West 232.48 feet to a point; thence South 05 degrees 06 minutes 16 seconds West 49.92 feet to a point; thence South 47 degrees 52 minutes 39 seconds West 150.60 feet to a point at the northwest corner of the property now or formerly of Robert M. & Lynne M. Schoolfield; thence along the line of the property now or formerly Schoolfield South 26 degrees 05 minutes 52 seconds East 199.90 feet to an existing iron pin in the northwest margin of Briarmeade Road; thence along the northwest margin of Briarmeade Road South 44 degrees 29 minutes 32 seconds West 63.64 feet to a point at the southeast corner of the property now or formerly of James U. & Jeanne L. Lewis; thence along the line of Lewis North 26 degrees 02 minutes 38 seconds West 112.79 feet to a point; thence North 44 degrees 21 minutes 56 seconds East 10.55 feet to a point; thence continuing along the line of Lewis North 26 degrees 11 minutes 26 seconds West 104.80 feet to a point at the most northern corner of the property of Lewis; thence continuing along the line of Lewis South 55 degrees 06 minutes 10 seconds West 301.45 feet to a point; and still with the line of Lewis South 27 degrees 04 minutes 57 seconds West 166.05 feet to a point , still with the line of Lewis South 62 degrees 48 minutes 22 seconds East 28.85 feet to a point; thence South 45 degrees 02 minutes 27 seconds West 136.75 feet to a point in the line of the property now or formerly Dewey L. & Brenda B. Hatcher; thence North 68 degrees 56 minutes 28 seconds West 489.87 feet to a point to an existing iron pin at the most northwest corner of the property of Hatcher; thence North 68 degrees 22 minutes 44 seconds West 296.80 feet to an existing iron pin; thence North 05 degrees 04 minutes 05 seconds East 1,214.64 feet to an existing iron pin at the northwest corner of the property now or formerly of Briarmeade, LLC; thence North 16 degrees 49 minutes 00 seconds West 810.28 feet to an existing iron pin in the southern margin of Link Road; thence along the southern margin of Link Road North 75 degrees 01 minute 30 seconds East 427.94 feet to a point; thence crossing Link Road North 15 degrees 48 minutes 30 seconds West 60.14 feet to an existing iron pin at the southwest corner of the property of the Myrtle L. Phillips Heirs; thence North 04 degrees 21 minutes 58 seconds East 314.07 feet to an existing iron pin; thence North 04 degrees 23 minutes 56 seconds East 385.18 feet to an existing iron pin; thence North 04 degrees 49 minutes 10 seconds East 349.27 feet to an existing iron pin; thence North 04 degrees 08 minutes 46 seconds East 174.06 feet to a quartz stone at the southwest corner of the Mary G. Brown property; thence South 87 degrees 27 minutes 21 seconds East 1,399.41 feet to a twin quartz stone; thence South 04 degrees 29 minutes 32 seconds West 130.16 feet to a point; thence South 04 degrees 40 minutes 46 seconds West 268.80 feet to an existing iron pin; thence South 85 degrees 06 minutes 32 seconds East 482.44 feet to an existing iron pin in the western margin of Rankin Mill Road; thence along the western margin of Rankin Mill Road South 05 degrees 10 minutes 09 seconds West 38.70 feet to the point and place of Beginning, and containing a total of 92.69 acres, the same as shown on Survey prepared by CPT Engineering and Surveying, Inc. dated May 21, 2001.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Conditional Use—RM-26 Residential Multifamily for property located on the west side of McPherson Street between Phillips Avenue and Textile Drive. Mayor Holliday administered the oath to Mr. Martin.

C. Thomas Martin, Planning Department Director, presented the following staff presentation:

REQUEST – ITEM 8

This request is to rezone property from RS-7 Residential Single Family to Conditional Use – RM-26 Residential Multifamily.

The RS-7 District is primarily intended to accommodate single family detached dwellings at a density of 5.0 units per acre or less.

The RM-26 District is primarily intended to accommodate multifamily uses at a density of 26.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to child day care center or a residence, and accessory uses.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.25 acre and is located on the west side of McPherson Street between Phillips Avenue and Textile Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-7	Single family dwelling
North	RS-7	Single family dwelling
East	RM-18	Multifamily buildings
South	RS-7	Single family dwelling
West	RS-7	Church

Mayor Holliday asked if anyone wished to speak to this matter.

There being no one present desiring to speak to this matter, Mr. Martin provided the following staff recommendation:

Item 8 – McPherson Street

The Planning Department recommends that this request be denied.

As staff has pointed out in the past, the Development Ordinance was amended to allow more children in a home occupation day care facility.

That was done in an attempt to discourage this type of rezoning request, i.e. rezoning one lot in the middle of a residential area to accommodate a commercial use.

A commercial day care center would be a more intensive use of the property than a home occupation.

If approved, a day care center accommodating 16 or more children would be allowed and staff feels that intensity is not compatible with the surrounding neighborhood.

Furthermore, a commercial entrance would have to be provided to this property which would further disrupt the residential character of the area.

Additionally, this lot is in an extensive area that was rezoned from a multifamily classification to a single family designation by City Council in 1983.

That comprehensive zoning action was the result of a recommendation contained in the Phillips Avenue Neighborhood Plan which was prepared at the request of the neighborhood residents.

The Plan recommended that this entire side of McPherson Street be zoned single family.

To approve this request would be to create an adverse precedent for the neighborhood and such a rezoning would be contrary to the action that City Council took to stabilize this Community Development Target Area.

After Council discussed concerns with respect to the proposed development and the negative impact this proposed use would have on this residential neighborhood, Councilmember Jones moved that the public hearing be closed. The motion was seconded by Councilmember D. Vaughan and adopted unanimously by voice vote. Councilmember Phillips thereupon moved that the ordinance rezoning this property to Conditional Use—RM-26 Residential Multifamily be denied based on the following findings of fact:

- 1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the intensity of a commercial day care center is not compatible with the surrounding neighborhood and a commercial entrance at this location would disrupt the residential character of the area.

The motion was seconded by Councilmember D. Vaughan; the ordinance was **DEFEATED** on the following roll call vote: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None. (A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer N, Exhibit Number 26, which is hereby referred to and made a part of these minutes.)

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The Mayor declared a recess at 8:10 p.m.

The meeting re-convened at 8:24 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to establish the NC Highway 68 Scenic Corridor Overlay District. The Mayor administered the oath to those individuals who wished to speak to this matter.

Mr. Martin requested that Council adopt the following amendment that had been made after the Zoning Commission meeting and was included in the proposed ordinance being considered by Council at this meeting:

Section 3. That Section 30-4-7.1, Structures Permitted Above Height Limits, is hereby amended by rewriting the section to read as follows:

“The height limitations of this Ordinance shall not apply to public buildings; churches; belfries; cupolas or domes (not intended for residential purposes); roof appurtenances such as housing for elevators, stairwells, skylights, ventilation equipment, or similar structures, including any structures designed to screen such appurtenances; monuments; water, observation, clock, or power transmission towers; silos or grain elevators; chimneys or smokestacks; derricks or conveyors; and flagpoles, provided such structures meet the NC Building Code.”

Councilmember Carmany moved adoption of the above amendment. The motion was seconded by Councilmember Phillips and adopted by unanimous voice vote of Council.

Mr. Martin used a powerpoint presentation that provided detailed information about the proposed ordinance to establish the NC Highway 68 Scenic Corridor Overlay District; i.e., background, ordinance elements and visuals. This information included the history of this request from Council; definition of a scenic corridor; issues that were addressed along Highway 68, including the proposed landscaping and screening regulations; proposed architectural regulations; proposed signage regulations; and transportation recommendations. Speaking to public hearings which had been held to receive public input, he reviewed the issues raised with respect to the proposed scenic corridor; i.e., absence of a committee to study and make recommendations, the proposed ordinance was developed by staff; the belief that future scenic corridors would mirror the proposal for Highway 68, prohibition of billboards, screening of parking lots, process to be used to address requests for future expansion of existing development, etc. Mr. Martin also provided details with respect to scenic corridor overlays in Raleigh, NC. (A copy of Mr. Martin’s powerpoint presentation and other

information with respect to the proposed corridor is filed in Exhibit Drawer N, Exhibit Number 26, which is hereby referred to and made a part of these minutes.)

The following citizens spoke in favor of the NC Highway 68 Scenic Corridor Overlay District:

Mike Weaver, residing at 2304 Princess Ann Street, encouraged Council to adopt the ordinance that he believed would benefit the citizens of Greensboro. He stated that, in his opinion, billboards should be banned because their economic benefits did not justify the environmental damage to the community. Mr. Weaver spoke to the similarities between the processes used to address the scenic corridor ordinance and Greensboro's Unified Development Ordinance (UDO); he noted the UDO had been adopted and appropriate amendments had been made as necessary.

Randal Romie, 5102 North Oaks Drive and representing Greensboro Beautiful, encouraged Council to adopt this scenic corridor and establish a committee to study other corridors in the City. He spoke to High Point's adoption of a scenic corridor to protect that portion of Highway 68 and stressed the need to protect Greensboro's portion of the corridor. He also reiterated the desire to keep Greensboro green and beautiful.

Bill Payne, residing at 7501 Strawberry Road and a member of Greensboro Beautiful, spoke to his participation in the meetings about the corridor, noted High Point's fifteen year old corridor, stated that scenic corridors work, emphasized that the designation of this corridor was a good beginning for Greensboro, and offered his personal thoughts about the need to protect this major gateway into Greensboro. A large number of people stood in the Chamber in support of the proposed ordinance.

Emily Sandine, residing at 419 Crestland Avenue, urged council to preserve beauty that existed in the community and adopt the scenic corridor.

Cathy Cooper-Ruska, residing at 5208 North Oaks Drive, spoke to her involvement fifteen years ago in the creation of the High Point Scenic Corridor on Highway 68. Ms. Cooper-Ruska offered her thoughts about the issues raised by the billboard representatives regarding zoning uses, fairness of the process; she stated she believed that the proposed ordinance was a watered down version and that special interest groups don't want public discussion about scenic corridors. She requested Council to adopt the ordinance and support the majority of citizens who wanted green space and environmental quality. In response to Council's inquiry, Ms. Cooper-Ruska advised the High Point process was an entirely different process and had taken about a year for the entire process. Brief discussion was held with regard to what constituted special interest groups.

W. E. "Ed" Phillips, residing at 1134 Jefferson Road, expressed his strong affection for Greensboro, stated he did not like billboards, compared the appearance of portions of Highway 68 within the High Point and Greensboro jurisdictions, and requested the Council to support ordinary citizens by adopting the proposed ordinance. Mr. Phillips also suggested that City staff remove the unsightly dumpsters at the side entrance to the Melvin Municipal Office Building from the Washington/Eugene Streets public parking lot to improve the appearance of that entry.

Nancy Morton, residing at 2417 Wright Avenue, stated that she believed: City government should serve the citizens and not special interest groups, billboard companies did not represent small businesses, and the proposed ordinance was weak but was a move in the right direction. She spoke to Council's past action to reverse a ban on billboards on certain corridors, expressed the desire to protect Highway 68, and requested Council to adopt the ordinance and protect citizens from visual pollution.

N. M. Chopra, residing at 1803 Red Forest Road, cited examples of beautification efforts in other areas of the City, spoke to the unsightliness Greensboro's portion of Highway 68, and requested Council to approve scenic corridor.

The following citizens spoke in opposition to the proposed ordinance:

Marc Isaacson, 101 West Friendly Avenue, stated he hadn't had an opportunity to discuss details of the proposed ordinance with staff and other interested parties. Speaking to the unique circumstances that were applicable to this corridor's intersection with Interstate 40, he stated that he believed this ordinance would hurt business at the interchange. Mr. Isaacson stated that he wanted an opportunity to discuss ideas that he believed could be included in

the proposed ordinance to make billboard advertising compatible with the scenic corridor. He reiterated that he believed the proposed ordinance needed additional work to become effective and workable.

Randy Cobb, residing at 1505 Pebble Drive, Vice President of Abercrombie Oil company, spoke to the operation of the petroleum industry; he expressed concern with the danger of locating gas pumps at the rear of stations which was not consistent with Police Department recommendations. Mr. Cobb stated he wanted an opportunity to discuss and be a part of the process to create a better ordinance; he requested Council to continue this issue to allow input from interested parties, additional study and additional recommendations to be considered by Council. Approximately 30 people stood in the Chamber in opposition to the ordinance

Derrick Allen, attorney representing Oldcastle Precast East Inc., a property owner in the scenic corridor, detailed the operation of the business and its physical location within the corridor, spoke to the appearance of the business, and the desire of the property to expand the business. Discussion was held with regard to the expansion of existing businesses in the corridor, the hardship requirements in the ordinance would place on certain existing businesses, and the process by which unique situations would be addressed.

Dick Howard, residing at 1600 Deercroft Court and a general contractor, spoke to various types of building products, particularly metal products, and offered details about their design, assembly and appearance. He stated he believed an architectural review committee was needed to look at exterior building materials and determine what would be appropriate in the scenic corridor. Stating he had not opportunity for input with respect to the proposed ordinance, he requested Council to delay the ordinance to allow additional input and study. Brief discussion was held with regard to the use of metal or metal-sided buildings in a scenic corridor.

Steve Branch, residing at 2-B Stadium Ridge Road and representing Greater Greensboro Merchants Association, expressed concern with respect to the proposed Highway 68 Scenic Corridor. He stated he believed this ordinance would have a negative impact on small businesses; Mr. Branch requested Council continue the ordinance to allow time for interested persons to contribute additional input in an effort to develop a workable scenic corridor ordinance.

Joseph Longo, residing at 610 Leawood Drive, a small business owner, stated he believed the proposed ordinance would hinder business advertisement. He spoke to other areas of the City in which Council needed to address adverse situations.

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Councilmember D. Vaughan moved that the public hearing on this matter be closed. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote.

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The Mayor declared a recess at 9:58 P. M.

The meeting re-convened at 10:10 P. M. with all members of Council present.

Council discussed various requirements contained in the proposed ordinance and the respective roles of the Technical Review Committee and Board of Adjustment in the approval and appeal processes to address requests for exceptions to the scenic corridor ordinance. Council also discussed factors regarding existing and potential zoning uses on the 68 corridor as well as screening requirements for future use of properties and the expansion of existing businesses. Noting that various land uses would be permitted, Mr. Martin stated that screening would be required.

Council discussed individual opinions in support or opposition to the proposed scenic corridor ordinance. Lengthy discussion was held with regard to the desire of some council members to delay adoption of the proposed ordinance to allow additional input from interested parties in the community and provide the opportunity for further discussion/negotiations with respect to the contents of the ordinance. Some members of Council offered individual opinions regarding the desire to adopt an ordinance that would be fair and well balanced, and the desire to adopt a base line ordinance that could be amended as needed.

Discussion was also held with regard to the feasibility of establishing sunset provisions for existing businesses, billboards, etc., which are located in the scenic corridor, and the appearance in other municipalities of scenic corridors vs. roadways with multiple billboards.

Each member of Council expressed support for a scenic corridor ordinance. It appeared that some members of Council supported the creation of a Committee to study the issue of scenic corridors in Greensboro and make recommendations to Council. After additional discussion, the Manager confirmed that it was not the intent of Council to establish a Committee at this time.

Councilmember Johnson discussed with other members of Council several possible wordings for a motion to approve the concept of a scenic corridor, provide a period of time for additional citizen input, and work with various groups to develop amendments that could be recommended to Council.

After lengthy discussion, Councilmember Johnson moved that it is the intent of Council to adopt an ordinance for a scenic corridor along Highway 68; further, the Council instructs staff to consult with those concerned persons that have expressed an interest on the issue here tonight, and which persons wish to so consult, and to bring back to Council at its October 2, 2001, regular meeting a proposed scenic corridor overlay ordinance which reflects those concerns to the extent compatible with reasonable scenic corridor objectives. The motion was seconded by Councilmember Jones.

Councilmember Carmany expressed concern that additional site plans for sign permits could be approved before the October 2 meeting and suggested that Councilmember Johnson's motion be amended to include the following: "that no new site plans, nor sign permits, shall be approved by the Planning Department before the October 2 meeting unless such requests meet the conditions of the draft scenic corridor ordinance considered by Council tonight." Councilmembers Johnson and Jones agreed to include this amendment in the original motions.

After brief discussion, Councilmember Phillips offered a substitute motion to adopt the Ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to establish the NC Highway 68 Scenic Corridor Overlay District as presented by staff, amended earlier in the meeting and considered by Council at this meeting. The motion was seconded by Councilmember Perkins.

Voting in reverse order according to parliamentary procedure, Councilmember Phillips substitute motion was **DEFEATED** on the following roll call vote: Ayes: Carmany, Perkins, Phillips and N. Vaughan. Noes: Burroughs-White, Holliday, Johnson, Jones and D. Vaughan.

Councilmember Johnson's motion, including the amendment suggested by Councilmember Carmany, was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Johnson, Jones and D. Vaughan. Noes: Carmany, Perkins, Phillips and N. Vaughan.

Mr. Martin requested that anyone at the meeting who wished to be involved with discussions prior to the October 2 meeting, should leave their name and telephone number with the courier to ensure that his staff would contact them within the next few days.

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The Mayor stated that this was the time and place set for a resolution authorizing on basis of public necessity widening with curb and gutter (where none now exists) of Creek Ridge Road from Randleman Road to Rehobeth Church Road. Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

Councilmember Jones thereupon moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

C-257 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

WIDENING WITH CURB AND GUTTER (WHERE NONE NOW EXISTS) OF CREEK RIDGE ROAD
FROM RANDLEMAN ROAD TO REHOBETH CHURCH ROAD

WHEREAS, due notice has been given that on the 4th day of September, 2001 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made except those filed with this resolution to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

CREEK RIDGE ROAD FROM RANDLEMAN ROAD TO REHOBETH CHURCH ROAD

B. That the local improvements to be made on the street or streets set out above are as follows:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

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After the Mayor requested a motion to adopt the resolutions, ordinances and motion on the consent agenda, Councilmember D. Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

179-01 RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF CONTRACT, AS APPROPRIATE OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A METROPOLITAN MEDICAL RESPONSE SYSTEM.

WHEREAS, the U.S. Department of Health and Human Service provides Federal funds in the amount of \$400,000.00 to support emergency service organizations;

WHEREAS, the purpose of the funds is to provide funding to local agencies for equipment, pharmaceuticals, training and support services to enhance capabilities for response to Weapons of Mass Destruction incidents;

WHEREAS, that in connection in entering into contract, the City of Greensboro, as contractor, gives assurance that it will comply with sections of administrative requirements which relate to the contract and funds received; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

1. That the City of Greensboro is authorized to enter into contract and provide such documents as appropriate, on behalf of the City of Greensboro with the U.S. Department of Health and Human

Services, to aid in the financing of equipment, pharmaceuticals, training and support services for emergency services as described therein.

2. That the City of Greensboro is authorized to furnish such additional information as the U.S. Department of Health and Human Services as required in connection with such contract and other such documents as appropriate.
3. That the City of Greensboro is authorized to execute contract agreements on behalf of the City of Greensboro with the U.S. Department of Health and Human Services to aid in financing for the purposes of such U.S. DHHS contract and other such documents as appropriate.

(Signed) Donald R. Vaughan

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01-190 ORDINANCE AMENDING HOME PROGRAM FUND BUDGET FOR FY 2001-2002 HOUSING
ACTIVITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the HOME Program Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the HOME Program Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
213-9001-05.5282	Real Estate Loans	\$46,690
213-9001-06.5931	Jericho House – Contributions	\$60,000
213-9001-07.5931	Christian Counseling – Contributions	\$43,310
Total		\$150,000

and, that this increase be financed by increasing the following HOME Program Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
213-9001-01.7100	Federal Grant	\$150,000
Total		\$150,000

Additionally, that the appropriation for the HOME Program Fund be decreased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-9097-02.5282	Real Estate Loans	\$100,000
212-9098-02.5282	Real Estate Loans	\$50,000
Total		\$150,000

And, that this decrease be financed by decreasing the following HOME Program Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-9001-01.7100	Federal Grant	\$150,000
Total	\$150,000	

(Signed) Donald R. Vaughan

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01-191 ORDINANCE AMENDING THE STATE, FEDERAL, AND OTHER GRANT FUND BUDGET FOR
LAW ENFORCEMENT OPERATIONS CONDUCTED BY THE GREENSBORO POLICE DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State, Federal, and Other Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3501-12.4210	Overtime	\$94,400
220-3501-12.4510	FICA	\$1,200
220-3501-12.4520	Retirement	<u>\$4,400</u>
Total		\$100,000

And, that this increase be financed by increasing the following State, Federal, and Other Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3501-12.3741	Federal Forfeiture	\$100,000

(Signed) Donald R. Vaughan

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01-192 ORDINANCE AMENDING STATE AND FEDERAL GRANT FUND BUDGET FOR A URBAN
FORESTRY PROJECTS FOR THE PLANNING DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 01-02 Budget for the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grant Fund be increased as follows:

<u>Account:</u>	<u>Description:</u>	<u>Amount:</u>
220-2051-01.5212	Computer software	\$795
220-2051-01.5431	Printing	\$2158
220-2051-01.5239	Miscellaneous	\$5000
220-2051-01.5928	In-Kind Services	<u>\$7953</u>
		\$15,906

And, that this increase be financed by increasing the following State and Federal Grant Fund accounts:

<u>Account:</u>	<u>Description:</u>	<u>Amount:</u>
220-2051-01.7110	State Grant	\$7953
220-2051-01.8695	In-Kind Services	<u>\$7953</u>
		\$15,906

(Signed) Donald R. Vaughan

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180-01 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2001-32
WITH ACCESS CONTROL CONSULTANTS FOR CLOSED CIRCUIT TELEVISION CAMERA SYSTEM
FOR CITY-OWNED PARKING DECKS PROJECT

WHEREAS, after due notice, bids have been received for the closed circuit television camera system for city-owned parking decks project;

WHEREAS, Access Control Consultants, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$346,875.00 as general contractor for Contract No. 2001-32, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Access Control Consultants is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$246,875.00 from Account No. 543-4531-01-6019 CBR 009 and in the amount of \$100,000.00 from Account No. 101-2506-02.5422.

(Signed) Donald R. Vaughan

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01-193 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR FISCAL YEAR 2002 FTA SECTION 5303 METROPOLITAN PLANNING PROGRAM GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Grant Project budget for the FY 2002 FTA Section 5303 Metropolitan Planning Program Grant be established for the life of the project as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4554-01.4000	Salaries and Wages	\$18,462
220-4554-01.4500	Fringe Benefits	4,505
220-4554-01.5413	Consultant Services	15,000
220-4554-01.5520	Seminar/Training Expenses	4,135
220-4554-01.5928	In-Kind Services	<u>4,678</u>
TOTAL		\$46,780

And, that the grant project budget be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4554-01.7100	Federal Grant	\$37,424
220-4554-01.7110	State Grant	4,678
220-4554-01.8695	In-Kind Services	<u>4,678</u>
TOTAL		\$46,780

(Signed) Donald R. Vaughan

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A motion to approve minutes of the regular meeting of 6 August 2001 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Stephen C. Austin and wife, Candace C. Austin, in connection with the Bledsoe Lift Station and Force Main Project. He thereupon introduced so these matters could be discussed together, a resolution authorizing City

Attorney to institute proceedings to condemn portion of the property of William R. Jessup and Nonnie Lou Green Graham Jessup in connection with the Bledsoe Lift Station and Force Main Project, and a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Fellowship Hall, Inc. in connection with the Bledsoe Lift Station Force Main Project.

Kevin Eason, Water Resources Department, used a powerpoint presentation to detail the proposed Bledsoe Drive Sanitary Sewer Pump Station Project. His summary of the report spoke to the following: existing sewer infrastructure at or near full capacity; best alternative-construction of a series of improvements to transport flow out of the Horsepen Basin, including the construction of a mid-basin pump station; locate proposed pump station on the original McAllister property; and location satisfies several design constraints as well as providing optimum separation from existing development. (A copy of the presentation is filed in Exhibit Drawer N, Exhibit Number 26, which is hereby referred to and made a part of these minutes.)

Belvin Jessup, son of property owner William R. Jessup, had questions about the legal process involving the condemnation of his father's property, the rationale for having the Lift Station and force main project at this location, and the manner in which the sewer was routed, etc.

Paul Holst, representing Portrait Homes, spoke to the company's ownership of property in the area and expressed concern with the negative impact this lift station site would have on their plans to build homes on their property, specifically problems with odor and noise. He offered his thoughts with regard to an adequate buffer or this facility.

Rodney Battles, representing Fellowship Hall, Inc., described in great detail the process of conducting negotiations with the City for the purchase of this property for the project. He requested that Council not approve this resolution and allow negotiations between the property owner and the City to continue.

Allan Williams, Water Resources Department Director, and Mr. Kennedy explained that the force main was designed to provide sewer capacity relief to the City's Horsepen Creek Basin and detailed the manner in which the lift station and force main would collect and transport sewer flow generated within the Basin. They stated that that this was the best recommended route and responded that the apartment development around this location had no impact on the selection of this site for the lift station.

The Chief Deputy Attorney advised that a member of the Legal Department staff would contact Mr. Jessup to answer additional questions and explain the legal procedure as it related to his father's property.

Mr. Williams explained the process to purchase property for the location of the lift station site, stated the property was remote from existing homes, was a larger site and would have a more generous buffer than other locations. He noted that the proposed buffer for this location was a 75' natural, wooded area.

Assistant City Manager Mitchell Johnson stated that staff would review what the size of buffers at other sites to determine what would be the most appropriate buffer for this facility to determine if a larger buffer was necessary. He spoke to staff's belief that this facility would not have odor problems but would address any problems that occurred.

Councilmember Burroughs-White requested that Mr. Williams discuss with her what could be done to address odor problems in Northeast Greensboro.

The City Attorney advised that if Council decided to require a larger buffer area, staff would have to come back with a request to acquire more land. He stated that Items 18 and 19 involved property for the easement and buffer, while Item 20 involved property being considered as the site for the facility.

Councilmember Carmany moved adoption of the resolution authorizing the City Attorney to institute proceedings to condemn portion of the property of Stephen C. Austin and wife, Candace C. Austin, in connection with the Bledsoe Lift Station and Force Main Project. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

181-01 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF STEPHEN C. AUSTIN AND WIFE, CANDACE C. AUSTIN, IN
CONNECTION WITH THE BLEDSOE LIFT STATION AND FORCE MAIN PROJECT

WHEREAS, Stephen C. Austin and wife, Candace C. Austin are the owners of certain property located on
Nora Drive, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bledsoe Lift Station and
Force Main Project;

WHEREAS, negotiations with the owners at the appraised value of \$9,500.00 have been unsuccessful and said
portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to
institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a
draft to the Clerk of Superior Court as compensation to the owners in the amount of \$9,500.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized
to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby
authorized to issue a draft in the amount of \$9,500.00 to the Clerk of Superior Court as compensation to the owners,
payment to be made from Account No. 503-7011-02.6012.CBR 005.

(Signed) Sandy Carmany

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Councilmember Carmany moved adoption of the resolution authorizing City Attorney to institute proceedings
to condemn portion of the property of William R. Jessup and Nonnie Lou Green Graham Jessup in connection with the
Bledsoe Lift Station and Force Main Project. The motion was seconded by Councilmember Phillips; the resolution was
adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips,
Vaughan and Vaughan. Noes: None.

182-01 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF WILLIAM R. JESSUP AND NONNIE LOU GREEN GRAHAM
JESSUP IN CONNECTION WITH THE BLEDSOE LIFT STATION FORCE MAIN PROJECT

WHEREAS, William R. Jessup and Nonnie Lou Green Graham Jessup are the owners of certain property
located on Aloe Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bledsoe Lift Station
Force Main Project;

WHEREAS, negotiations with the owners at the appraised value of \$1800.00 have been unsuccessful and said
portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to
institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a
draft to the Clerk of Superior Court as compensation to the owners in the amount of \$1800.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized
to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby
authorized to issue a draft in the amount of \$1800.00 to the Clerk of Superior Court as compensation to the owners,
payment to be made from Account No. 503-7062-01.6012 CBR 001.

(Signed) Sandy Carmany

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Lengthy discussion was held with regard to a site for the lift station site; i.e., the feasibility having a larger site, an appropriate buffer for this facility, failed negotiations with the property owner, etc.

Noting that the City Attorney could not take action for thirty days, Mr. Kennedy asked that Council approve Item 20 and stated negotiations could continue.

After further discussion, Councilmember Jones moved that Council continue this item to the October 2, 2001 meeting of Council to allow for further discussion and negotiations. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council. It appeared to be the consensus of Council these discussions include staff efforts to address Council's concerns with respect to an appropriate buffer for the lift station.

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After Mayor Holliday introduced a resolution approving appraisal in the amount of \$141,000 and authorizing the purchase of property of James Miller and Carroll C. Miller for Landfill Buffer, the City Manager advised that these individuals wanted to sell the property

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

183-01 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF JAMES MILLER AND CARROLL C. MILLER FOR LANDFILL BUFFER

WHEREAS, in connection with the Landfill Buffer, the property owned by James Miller and Carroll C. Miller along Rankin Mill Road at Tax Map Nos. 4-189-464-N-7 and 30 are required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required properties have been appraised at a value of \$141,000.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$141,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 553-6509-03.6011 CBR 005.

(Signed) Earl Jones

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Mayor Holliday introduced a resolution approving sponsorship of a house as part of the 2001 housing blitz project.

Councilmember Phillips reiterated his opinion that no groups should receive special treatment and should be required to follow established City procedures to receive funding. He stated that while he supported the efforts of Project Homestead, he believed this request should be a part of the housing budget.

After brief comments by the City Manager, Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, and D. Vaughan. Noes: Phillips and N. Vaughan.

184-01 RESOLUTION APPROVING SPONSORSHIP OF A HOUSE AS PART OF THE 2001 HOUSING BLITZ PROJECT

WHEREAS, Project Homestead is sponsoring a housing blitz in September 2001 to put under roof 22 houses in the Collinwoods area off Church Street;

WHEREAS, the City Council desires to sponsor a house as a part of the housing blitz;

WHEREAS, the cost of sponsorship is \$10,000.00 for construction of a house.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That they will sponsor construction of a house for the 2001 Collinwoods Project.
2. That the cost of the sponsorship, \$10,000.00, will be provided by using HOME CHDO set-aside funds.

(Signed) Donald R. Vaughan

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After Councilmember Johnson read into the minutes and moved adoption of a resolution approving adjustment in annual compensation of the City Manager, the Mayor stated that Council was very pleased with the Manager's performance. Councilmember Jones seconded the motion; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

185-01 RESOLUTION APPROVING ADJUSTMENT IN ANNUAL COMPENSATION OF THE CITY MANAGER

WHEREAS, pursuant to the memorandum of employment agreement, the City Council has reviewed the annual performance and compensation of the City Manager;

WHEREAS, following review, it is deemed appropriate to amend the annual compensation/benefits for the City Manager as hereinafter set out;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Section 2 of the Memorandum of Employment Agreement is hereby amended as follows:

1. The annual salary shall be \$161,696. All other provisions of Section 2 shall remain as presently provided, except as outlined below.
2. Increase automobile allowance to \$6,500 per year.
3. This amendment shall become effective on 1 September 2001.

(Signed) Yvonne J. Johnson

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Conrad Wade, 2409 Frye Street, expressed his strong concerns with respect to the appeal process in place for the Safelight Program which he believed placed a burden on citizens. He cited a personal experience of receiving a ticket at a red light when he was involved in an accident.

After lengthy discussion about various concerns and opinions with respect to this program, Council asked that City staff work with Mr. Wade to resolve his concern and directed that the City Manager and City Attorney bring for Council's consideration recommendations for modifications to improve this program.

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William Shand, residing at 1115 West McGee Street, offered his personal opinions with respect to the conduct of council meetings in general, the process used to provide the public with information and appropriate notice of items to be considered. He stated he believed it was unfair for Council to make any important decisions this late in the evening without public input.

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Councilmember Burroughs-White moved that Staley Vincent be appointed to serve a term on the War Memorial Commission in the position formerly held by Calvin Irvin; this term will expire 15 August 04. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Carmany moved that Maria E. Byars be appointed to serve a term on the Commission on the Status of Women in the position formerly held by Eliana Bennett; this term will expire 15 August 04. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Carmany moved that Maureen Hartigan be appointed to serve a term on the Commission on the Status of Women in the position formerly held by Judith Hyman; this term will expire 15 August 04. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember D. Vaughan moved that Michael James be appointed to serve a term on the Greensboro Transit Authority in the position formerly held by Joe Davis; this term will expire 15 August 04. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White added the following names to the boards and commissions data bank for consideration for future service in the areas specified: Nicholas Bright, Parks and Recreation Commission; Obie Harris, Heating Examining Board; Eileen Cotton, Greensboro Transit Authority; and Terry Savoy, no specific area.

Councilmember D. Vaughan added the following names to the boards and commissions data bank for consideration for future service in the specified areas: James Borden, no specific, and Fred Barakat, War Memorial Commission.

Councilmember Perkins added the following names to the boards and commissions data bank for consideration for future service in the specified areas: Jim Redding, Parks and Recreation Commission, and John Higgins, no specific area.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 12:45 A. M. on 5 September 01.

JUANITA F. COOPER
CITY CLERK

KEITH A. HOLLIDAY
MAYOR
